

APPROVED

MINUTES OF THE MEETING

GOVERNING BOARD
SOUTHWEST FLORIDA WATER MANAGEMENT DISTRICT

BROOKSVILLE, FLORIDA

MAY 25, 2010

The Governing Board of the Southwest Florida Water Management District (SWFWMD) met for its regular meeting at 9:00 a.m. on May 25, 2010, at the District's headquarters in Brooksville. The following persons were present:

Board Members Present

Todd Pressman, Chair
Ronald E. Oakley, Vice Chair
Hugh Gramling, Secretary
Jeffrey M. Adams, Member
Carlos Beruff, Member
Bryan K. Beswick, Member
Jennifer E. Closshey, Member
Neil Combee, Member
Albert G. Joerger, Member
H. Paul Senft, Member
Douglas B. Tharp, Member
Judith C. Whitehead, Member

Staff Members

David L. Moore, Executive Director
William S. Bilenky, General Counsel
Lou Kavouras, Deputy Executive Director
Richard S. Owen, Deputy Executive Director
Eugene A. Schiller, Deputy Executive Director
Bruce C. Wirth, Deputy Executive Director

Board's Administrative Support

LuAnne Stout, Administrative Coordinator
Tahla Paige, Senior Administrative Assistant

Board Member(s) Absent

Maritza Rovira-Forino, Member *(via phone for Item 4, Election of Governing Board Officers)*

A list of others present who signed the attendance roster is filed in the permanent records of the District. This meeting was available for viewing through internet streaming. Approved minutes from previous meetings can be found on the District's Web site (www.WaterMatters.org).

Public Hearing

1. Call to Order

Chair Pressman called the meeting to order and opened the public hearing. Mr. Gramling noted a quorum was present.

2. Pledge of Allegiance and Invocation

Chair Pressman led the Pledge of Allegiance to the Flag of the United States of America. Mr. Bilenky offered the invocation.

Public Hearing

Chair Pressman introduced each member of the Governing Board. He noted that the Board's meeting was recorded for broadcast on government access channels, and public input was only taken during the meeting onsite.

Chair Pressman stated that anyone wishing to address the Governing Board concerning any item listed on the agenda or any item that does not appear on the agenda should fill out and submit a speaker's card. To assure that all participants have an opportunity to speak, a member of the public may submit a speaker's card to comment on agenda items only during

today's meeting. If the speaker wishes to address the Board on an issue not on today's agenda, a speaker's card may be submitted for comment during "Public Input." Chair Pressman stated that comments would be limited to three minutes per speaker, and, when appropriate, exceptions to the three-minute limit may be granted by the Chair. He also requested that several individuals wishing to speak on the same issue/topic designate a spokesperson.

3. **Additions/Deletions to Agenda**

Mr. Moore noted there was one deletion to the agenda.

Consent Agenda

The following item is deleted from consideration:

- 14. Initiation of Litigation – WUP No. 20010392.005 – Milmack, Inc. (Oakwood Golf Club) – Polk County

Chair Pressman said that, hearing no objection, he accepted this change to the meeting agenda. (Track 1 – 00:00/04:15)

Ceremony to Honor Former Board Member Sallie Parks

Chair Pressman said Ms. Parks was appointed to the Governing Board in March 2006 and served through March 2010, and also served as the Governing Board's treasurer. Chair Pressman presented Ms. Parks with a plaque and a resolution honoring her service. Mr. Moore presented Ms. Parks with a photo montage of events occurring during her term. Ms. Parks expressed her gratitude and thanks to Board members and staff for this honor. (Track 1 – 04:15/09:49)

The order of consideration was altered slightly.

5. **Employee Recognition**

Mr. Moore recognized staff members who have achieved milestones of 20 years or greater.

MILESTONE	EMPLOYEE NAME	TITLE	DEPARTMENT	OFFICE LOCATION
30 Years	Tony Gilboy	Well Construction Reg. Manager	Brooksville Regulation	Brooksville
25 Years	Clark Hull	Environmental Reg. Program Dir.	Strategic Program	Brooksville
	Paula McCleery	Administrative Supervisor	Planning	Brooksville
	Addys Cortes Tehan	Laboratory Technician	Res. Data & Restoration	Brooksville
20 Years	Jan Burke	Bartow Surface Water Reg. Mgr.	Bartow Regulation	Bartow
	John Emery	Tampa Environmental Manager	Tampa Regulation	Tampa
	Charlie Holmlund	Help Desk Analyst	Info. Resources	Brooksville
	Carl Wright	Sr. Water Conservation Analyst	Resource Projects	Brooksville

In recognition of Mr. Gilboy's 30 years of service, Messrs. Stuart Anderson and Bill Toomer, members of the Well Drillers Advisory Committee, and Mr. Ben Huss, representing the Florida Ground Water Association, expressed their appreciation of the outstanding work Mr. Gilboy has performed. Chair Pressman noted it is rare for a regulator to receive the testaments heard here today which reiterates the quintessential efforts done every day at the District. (Track 2 – 00:00/17:28)

4. **Election of Governing Board Officers**

In accordance with Board Policy 110-7, Board members participate in an election of officers. During this process, a Chair, Vice Chair, Secretary and Treasurer are elected.

The newly elected officers assume their duties at the end of meeting. Chair Pressman reviewed the procedure for nominations and voting. Ms. Rovira-Forino participated via phone with Ms. Kavouras.

Chair Pressman opened the floor for Chair nominations. Mr. Combee nominated Mr. Oakley. **Mr. Joerger moved to close nominations, and Mr. Senft seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. **Chair Pressman announced a unanimous vote for Mr. Oakley's election as Chair.**

Chair Pressman opened the floor for Vice Chair nominations. Mr. Combee nominated Mr. Gramling. **Mr. Joerger moved to close nominations, and Mr. Oakley seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. **Chair Pressman announced a unanimous vote for Mr. Gramling's election as Vice Chair.**

Chair Pressman opened the floor for Secretary nominations. Mr. Joerger nominated Mr. Beruff. Mr. Oakley nominated Mr. Senft. **Mr. Tharp moved to close nominations, and Mr. Gramling seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Pressman announced a majority vote for Mr. Senft and requested the Board affirmatively approve the election. **The Board unanimously voted in favor of Mr. Senft's election as Secretary.**

Chair Pressman opened the floor for Treasurer nominations. Mr. Combee nominated Mr. Beruff. Mr. Gramling nominated Mr. Tharp. Mr. Beruff nominated Mr. Joerger. **Ms. Closshey moved to close nominations, and Mr. Senft seconded the motion. The Board voted unanimously to close nominations and cast their ballots.** Mr. Moore collected the ballots and tallied the results. Chair Pressman announced a majority vote for Mr. Tharp and requested the Board affirmatively approve the election. **The Board unanimously voted in favor of Mr. Tharp's election as Treasurer.**

Chair Pressman said he has been honored to serve as chairman this past year, and holds the Board members and staff in highest regard. He said Mr. Oakley will do an outstanding job as will the other Board members. He noted staff will poll Board members during the coming month to determine committee and liaison assignments. (Track 3 – 00:00/11:12)

6. **Public Input for Issues Not Listed on the Published Agenda**

Chair Pressman noted that members of the public submitted requests to speak.

Mr. Al Grubman, resident of Inverness in Citrus County and president of TOO FAR, addressed the Board. He noted the May 23, 2010 *Citrus Chronicle* edition included an article on efforts at the Potts Preserve. He thanked the Board and Withlacoochee River Basin Board for their support.

Mr. David Gore, resident of Davenport in Polk County, provided copies of a letter and emails. He spoke about water resources and hydrology. (Track 4 – 00:00/06:14)

Consent Agenda

Item 14 was deleted from consideration.

Resource Management Committee

7. **Initiate Rulemaking, Approve Amendment to Rule 40D-8.041, Florida Administrative Code (F.A.C.), and Accept Report to Establish Minimum Flows for the Anclote River System**
Staff recommended to accept the Minimum Flows and Levels report entitled, "Anclote River System Recommended Minimum Flows and Levels" dated February 2010; and initiate rulemaking and approve adoption of amendments to Rule 40D-8.041, F.A.C., to establish minimum flows for the Anclote River System.
8. **Approve Amendments to Rule 40D-8.041, F.A.C., and Accept Report to Establish Minimum Flows for the Lower Peace River**
Staff recommended to accept the report entitled, "Proposed Minimum Flows and Levels for the Lower Peace River and Shell Creek" dated April 2010; and approve adoption of amendments to Rule 40D-8.041, F.A.C., to establish minimum flows for the lower Peace River.
9. **Lake Hancock Outfall Treatment Project Construction Management Options**
Staff recommended to request additional time to complete the review of construction management options associated with the Lake Hancock Outfall Treatment Project.
10. **Lower Hillsborough River Minimum Flows Recovery Plan – Approve Cooperative Funding Agreement and Amendment with the City of Tampa**
Staff recommended to approve the following cooperative agreement and amendment to a cooperative agreement with the City of Tampa for the Recovery of the lower Hillsborough River, based on a 50/50 cost share between the Hillsborough River Basin Board and the Governing Board. Approval will also be required from the Hillsborough River Basin Board at its June 2010 meeting.
 - (a) Staff recommended to approve a cooperative funding agreement with the City of Tampa for the Blue Sink Project for a total of \$10,785,500 with the Governing Board's and the Basin Board's share not to exceed \$2,673,500 each and authorize the Executive Director to execute the agreement; and
 - (b) Staff recommended to approve an amendment to a cooperative funding agreement with the City of Tampa for the Sulphur Springs Upper Weir & Gates and Sulphur Springs Pumping Station Project for a total agreement cost of \$5,276,579 with the Governing Board's and the Basin Board's share not to exceed \$1,313,864.50 each and authorize the Executive Director to execute the agreement.
11. **Florida Department of Transportation (FDOT) Agreement for Robles Park Water Quality and Natural Systems Enhancement Project**
Staff recommended to approve the agreement with the FDOT for the Robles Park Water Quality Improvement Project, contingent upon approval by the Hillsborough River Basin Board at its June 10, 2010 meeting; and authorize the Executive Director to execute the agreement.

Finance & Administration Committee

12. **Budget Transfer Report**
Staff recommended to approve the Budget Transfer Report covering all budget transfers for April 2010.

General Counsel's Report

13. **Settlement Agreement – SWFWMD v. Francisco L. Ancaya, et al, Case No. 2009-CA-010077, 10th Judicial Circuit – Lake Hancock Project – SWF Parcel No. 20-503-215P – Polk County**
Staff recommended to approve the Settlement Agreement in the total amount of \$210,000.
14. **Initiation of Litigation – WUP No. 20010392.005 – Milmack, Inc. (Oakwood Golf Club) – Polk County** – *This item was deleted from consideration.*

15. **Consent to Pipeline Easements – PRMRWSA v. Nokomis Groves, Inc., et al, Case No. 2010-CA-3282, 12th Judicial Circuit – Sarasota County**

Staff recommended to consent to the easements for the Pipeline Project across lands encumbered by a Conservation Easement held by the District.

Executive Director's Report

16. **Approve Governing Board April 27, 2010 Meeting Minutes**

Staff recommended to approve the minutes.

Following consideration, **Mr. Tharp moved, seconded by Mr. Senft, to approve the Consent Agenda as amended. Motion carried unanimously.** (Track 5 – 00:00/00:30)

Chair Pressman relinquished the gavel to Regulation Committee Chair Senft.

Regulation Committee

Discussion Items

17. **Consent Item(s) Moved for Discussion** – None

18. **January 2010 Freeze Event Update**

Mr. Owen provided an overview of staff's actions during the past months in response to the January frost-freeze event in eastern Hillsborough County. The third of three work sessions to obtain input was held on May 18, 2010. The next work session is scheduled for June 9, 2010 in the District's Tampa Service Office. In July and August, staff will be preparing for initiation of rulemaking. Another work session will be planned for September in Plant City. (Track 6 – 00:00/01:50)

Ms. Alba Más, Director, Tampa Regulation Department, said the May 18 work session concentrated on three topics: (1) how to enhance communication during a freeze event, (2) expansion of the data collection network, and (3) local government coordination and land use planning. Communication recommendations included direct mail to water use permit holders prior to next winter, news release prior to freeze event, automated call when aquifer level predicted to reach 25-foot National Geodetic Vertical Datum (NGVD), and continue refining process used this year. Enhancements to data collection included expand groundwater monitoring to better define areas impacted by drawdown cone; update groundwater models with more detailed hydrogeologic data; and increase the quality, quantity and timeliness of pumpage data. The estimated cost of constructing additional wells at existing sites is \$305,000. Mr. Owen noted some of this enhanced data collection could be expedited for sites already owned by the District and these costs may or may not all be incurred in one fiscal year. (Track 6 – 01:50/07:15)

Ms. Más said another recommended enhancement is to construct 12 wells at four new well sites to improve groundwater models and is estimated to cost \$616,000. Staff is proposing to provide automatic meter reading for all crop protection withdrawal points in the 256-square-mile Dover area. This will better manage resources by reducing permittee's data collection burden, providing daily meter readings and temperatures, and reporting irrigation run times and sending the user cold protection on/off alerts. Currently, there are 113 withdrawals with flow meters and about 606 without flow meters; the cost per withdrawal is \$3,800 to \$5,000. Expanding the automated meter reading program at 719 withdrawals is estimated to cost \$4,250,000. In response to Mr. Gramling's question, Ms. Más said the majority are small general permits which do not require any kind of metering and rulemaking is needed for this enhancement. In response to Ms. Closshey's question, Ms. Más said some upgrades are needed to automate current withdrawal points

and staff is proposing the upgrades be done over a three-year period. (Track 6 – 07:15/11:45)

Ms. Más said proposals included local government coordination and land use planning to require wells be brought up to current standards if property is being improved, and transfer of development rights to incentivize farmers to develop tailwater ponds. Staff has met with Hillsborough County and the City of Plant City to discuss extension of water use lines in the Plant City area, but the municipalities do not want to extend lines at this time. Another topic of discussion at the work session was disclosure of well's age when selling the home. Discussion ensued regarding well/pumpage and homeowner's knowledge of well depth and type of pump, and burden placed on buyers/sellers. Staff also discussed with the County and City requiring wells be brought up to standard if there is a certain percentage of assessed value in improvement of a home. County staff said precedence already exists which requires landscaping and signage be brought up to standard if there is an assessed value increase of the proposed improvements of 25 percent. Regarding transfer of development rights, there did not seem to be an incentive to pursue this since a developer can transfer densities for wetlands and ponds to the rest of the site being developed. (Track 6 – 11:45/18:35)

Ms. Más said, during the May 18 work session, Mr. Moore introduced a new allocation system that staff had been discussing internally. Staff has been pursuing a long-term strategy for this area based on the hydrograph showing declining water levels. Historically, since the freeze event, staff has been displaying the aquifer levels and the Dover 1 monitor well. The Tampa 15 monitor well hydrograph from 1958 to present shows a reduction of 10 feet in the aquifer level.

Mr. Moore said staff will come to the Board at its June meeting to present the magnitude of the issues and the proposed management approaches. The aquifer levels are showing more water use both for average annual use in that limited area as well as for freeze protection. In addition to the proposed allocation model, staff will be recommending to stabilize this decline at a minimum and attempt to reverse it.

Ms. Más continued presentation by reviewing the mitigation area, pumpage density and permits. Staff is developing strategies for reducing the amount of water pumped in the area and in improving the condition of the wells over time with the well construction rule revisions. Staff also sees a need to improve the methodology for assigning well investigation responsibility in the area. The investigation responsibility will be based on the drawdown cost at a particular site by the permittee, taking into consideration the legal existing use date of the permit holder in comparison to the complainant and limiting the number of well complaints assigned to a permittee on a ratio basis of the crop protection quantity. (Track 6 – 11:45/24:30)

With the aid of charts, Ms. Más explained the proposed allocation of well complaints. (Track 6 – 24:30/33:45)

Ms. Closshey said staff has done a very responsive job of gathering data and listening to all the various input. The whole concept has evolved and taken shape into a process that appears to be very fair and workable. The real test will be to take the actual experience of the frost-freeze 2010 event and use that data as the test for running through all 700 plus well complaints and therefore validating whether the 500 plus wells are covered without exception. This takes the worse possible event that good data exists for and using that as the illustrative base of this test as opposed to waiting for another incident. The idea of allowing the invited panel and technical experts to listen, contribute, comment, suggest

and work in subgroups has been well received. She commended staff and the community for rallying resources and concern for a very positive, growing, evolving situation. She said she would like to see the modeling in process. (Track 6 – 33:45/36:03)

In response to Mr. Gramling's inquiry, Ms. Más said the original 140-square-mile delineated area was based on previous events and was expanded to 256 square miles so all permittees are included in the model. She said the testing will show if the area needs to be expanded further. Mr. Gramling said the agriculture community has expressed little resistance to this approach. He said there will be people who are not happy because they will be assuming some responsibility now but it is the fairer way. Mr. Gramling said he is supportive of this model and efforts, and looks forward to continued refinements. Ms. Más noted that one of the work group's comments was a way to limit cost and discussed an industry fund. Mr. Gramling said he was not hopeful for an industry fund to occur and perhaps a more viable way would be some kind of an insurance policy. (Track 6 – 36:03/39:40)

Chair Pressman commented that the challenge to him was the acceptance of the industry. He said he heard nothing but positive, forward movement. He said this plan appears to work very well, and the industry also appears to accept it and will participate. Staff has followed the science to find goals, direction, procedures and is developing policy which is outstanding.

Ms. Más summarized current efforts and noted that at the June 9 work session the topics will include allocation and reduction of roll-back quantities in the area. Staff will be working on rulemaking in July and August, and scheduling another workshop in Plant City during September 2010. In response to Committee Chair Senft's question, Ms. Más said staff will provide information to the Board at its June meeting and return later in the summer for the Board to authorize rulemaking. Mr. Moore said staff will present the management approach for conceptual approval by the Board at its June meeting and, following Board direction, staff will develop the rule language. He said Ms. Closshey has scheduled several critical meetings with agricultural interests. Committee Chair Senft said procedures need to be place before the next freeze event. (Track 6 – 39:40/43:40)

Committee Chair Senft noted that a speaker card had been submitted.

Mr. David Gore, resident of Davenport in Polk County, said this process does not include impacts to drainage over time. He spoke about surficial versus regional water resources.

Committee Chair Senft thanked Mr. Gore for speaking and said the Board shares his concerns. (Track 6 – 43:40/46:01)

This item was presented for the Committee's information, and no action was required.

19. **Initiate and Approve Rulemaking to Amend 40D-3.600, F.A.C., to Expand North and South Dover Areas Subject to Special Well Construction Standards**

Mr. Tony Gilboy, Manager, Well Construction Regulation, provided an overview covering whether or not the existing well construction standards are adequate, the geographical extent of the well construction standards, and current procedures for well and pump inspections by the District and Hillsborough County. In 2002, the District adopted Rule 40D-3.600, Florida Administrative Code (F.A.C.), to establish new requirements for well casing depths for wells constructed within the Dover area. As required by Rule 40D-3.400, F.A.C., potable wells constructed in an area designated as the North Dover area must be cased to a minimum depth of 105 feet below land surface. Potable water wells

constructed within an area designated as the South Dover area are required to be cased to a minimum depth of 147 feet below land surface. District authority does not include regulation of pumps or pumping equipment.

Mr. Gilboy said, as to the well complaints, investigation by the District revealed that those wells which experienced failure had not been constructed to the casing depths required by Rule 40D-3.600, F.A.C. These were older wells located within the existing areas designated as North Dover and South Dover which pre-existed the minimum casing requirements established by the District and wells located near but outside the designated North and South Dover areas. Wells located within the District-designated North and South Dover areas and constructed to the required minimum casing depths did not fail. Further investigation also revealed that the areas affected by large-scale cold protection irrigation in and around the Dover farming community actually extend beyond the areas presently designated by the District as the North and South Dover areas.

Mr. Gilboy said the District is presently considering alternatives to groundwater pumping, adjustments in the assignment of well mitigation responsibilities among water use permittees for impacts associated with cold protection pumping and other initiatives to address the problems resulting from extensive frost/freeze pumpage. Some of these issues require extended study and consideration. However, based upon the location of well complaints received and the fact that the well casing requirements for the Dover area proved effective in preventing private potable wells from failing during this recent period of intense water use, District staff proposes to expand the North and South Dover areas to include additional surrounding areas that were affected by the cold protection pumping.

Staff recommends the Governing Board approve initiation of rulemaking to amend Rule 40D-3.600, F.A.C., to expand the definitions of the North and South Dover areas and require that wells constructed, repaired or modified within these areas comply with the minimum casing depths established for each area. The current casing depth requirements for each area will remain the same.

Following consideration, **Ms. Closshey moved, seconded by Mr. Gramling, to approve the staff recommendation as presented.** Ms. Closshey said it would be to the Board's advantage to know any input received since the advisory committees are involved. **Motion carried unanimously.** (Track 7 – 00:00/16:17)

20. **Denials Referred to the Governing Board**

There were no requests for applications or petitions referred to the Governing Board for final action.

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

21. **Individual Permits Issued by District Staff**

Routine Reports

The following items were provided for the Committee's information, and no action was required.

22. **Southern Water Use Caution Area Quantities**

23. **Overpumpage Report**

- Mr. Owen said the overpumpage report information has not been appropriately updated and accurate information will be provided in the next report. In response to Ms. Closshey's question, Mr. Owen said the advantage of the flow meters is that farmers will not have to report frost-freeze quantities, or monthly quantities, at a time when they are focused on protecting their crops.

24. **Resource Regulation Significant Initiatives**
(Track 8 – 00:00/02:15)

Regulation Committee Chair Senft relinquished the gavel to Resource Management Committee Chair Joerger.

Resource Management Committee

Discussion Items

25. **Consent Item(s) Moved for Discussion** – None

26. **Hydrologic Conditions Status Report**

Mr. Granville Kinsman, Manager, Hydrologic Data Section, said April historically marks the seventh month of the eight-month dry season and provisional rainfall totals for the month show accumulations in the normal range in the northern and southern regions, while they were above-normal in the central region. Analysis of dry-season rainfall shows October through April totals to be above the historic mean in all regions of the District. Rainfall during the month was regionally variable and associated with seasonally transitional weather systems (a blend of several cool front and convective rainstorm systems). The passage of a cool front system on April 26 delivered approximately two-thirds of the rainfall received during the month, with the central region receiving the greatest accumulations. The 12-month rainfall accumulation shows a surplus of approximately 9.1 inches above the long-term average. The 24- and 36-month cumulative rainfall deficits continue to linger, but showed improvement during April, ending the month approximately 3.9 and 9.6 inches, respectively, below the historic average. In response to normal to above-normal rainfall totals in April, regional groundwater levels and streamflow conditions in regional index rivers ended the month within the normal or above-normal range of historic values. Regional lake levels showed little change during April, ending the month within the annual normal range in the Tampa Bay region and remaining at below-normal levels in the Northern, Polk Uplands and Lake Wales Ridge regions. Staff will continue to closely monitor conditions in accordance with the District's updated Water Shortage Plan, including any necessary supplemental analysis of pertinent data. (Track 9 – 00:00/07:32)

This item was presented for the Committee's information, and no action was required.

27. **Hurricane Preparedness**

Mr. Michael L. Holtkamp, Director, Operations Department, provided an overview of District emergency preparedness for the 2010 hurricane. Emergency management, preparedness and response are primary concerns for the District and the Operations Department. The District, per Chapter 252, Florida Statutes (State Emergency Management Act), has developed a Comprehensive Emergency Management Plan (CEMP). The CEMP provides guidance to District staff on procedures, organization, and responsibilities for an "all hazards" approach to emergency planning and response. The District is a member of the State's Emergency Response Team (SERT) that is comprised of State agencies representing 18 Emergency Support Functions (ESFs). In the event a hurricane could potentially impact the District's 16-county area, the Emergency Operations Center (EOC) would be activated to monitor and respond to the event. The EOC is the facility through which the District provides direction and control prior to, during, and in the aftermath of a hurricane. All emergency response efforts and resource deployment is coordinated through the EOC. District emergency management activities revolve around a four-phased cycle of preparedness, response, recovery and mitigation.

The District is signatory to two mutual aid agreements: the "Statewide Mutual Aid Agreement" and the "Florida Water Management Districts Mutual Aid Agreement for Catastrophic Emergency Response/Recovery." These agreements provide reciprocal emergency aid and assistance during an emergency or disaster. The District has also signed two Memorandums of Understanding, one with Hernando County and one with Tampa Bay Water, for catastrophic emergency operations that allow District EOC personnel to relocate to the county's EOC, or Tampa Bay Water's EOC, should it be determined the District's EOC is unsafe. (Track 10 – 00:00/16:08)

In response to Mr. Senft's inquiries, Mr. Wirth said that once there is a local or state emergency declared, then Federal Emergency Management Agency (FEMA) assesses whether requirements for reimbursement are met. He said the District has to be compliant with recognized procedures and recording of expenses. Mr. Senft said his concern is that an emergency be declared in a timely fashion to avoid complications. Mr. Combee voiced his agreement with Mr. Senft. Ms. Whitehead said staff did a wonderful job during the last event to ensure costs were reimbursed. She noted that local communities looked to the District to provide assistance and staff response was greatly appreciated. Mr. Wirth said that the Board six years ago provided \$3.5 million for immediate cleanup and the District enacted all its resources (trucks, chainsaws, personnel, etc.). He noted that the most critical part of this coordination is staff that are placed in harm's way and much of that has been automated. Ms. Closshey said the Basins were also involved and there was considerable public attendance at Basin Board meetings. Mr. Oakley said it is obvious that Mr. Holtkamp and his staff are prepared. (Track 10 – 16:08/22:40)

This item was presented for the Committee's information, and no action was required.

28. **Myakka River Watershed Initiative**

Ms. Lisann C. Morris, P.E., Senior Professional Engineer, Resource Projects Department, updated the Board on the progress of the Myakka River Watershed Initiative (MRWI) with emphasis on hydrologic restoration alternatives developed for the District's Flatford Swamp property which is located in the upper reaches of the watershed. The Myakka River Watershed encompasses about 600 square miles and includes lands in Manatee, Sarasota, and Charlotte counties with small portions in Hardee and Desoto counties. The objective of this initiative is to restore water quality, natural systems, and floodplain impacts in the watershed in ways that provide a benefit to water supplies in the Southern Water Use Caution Area (SWUCA). The total project budget for this element of the MRWI is \$4,826,000 of which \$2.35 million has been provided in state appropriations. The remaining funding was divided between the Governing Board (50 percent), and Manasota (45 percent) and Peace River (five percent) Basin Boards. (Track 11 – 00:00/13:38)

This item was presented for the Committee's information, and no action was required.

Submit & File Report

The following item was submitted for the Committee's information, and no action was required.

29. **Natural Systems Restoration on District Lands Annual Report**

Routine Reports

The following items were provided for the Committee's information, and no action was required.

- 30. **Florida Forever Funding**
- 31. **Minimum Flows and Levels**
- 32. **Structure Operations**

33. **Watershed Management Program and Federal Emergency Management Agency Map Modernization**
34. **Significant Water Supply and Resource Development Projects**
(Track 11 – 13:38/13:51)

Resource Management Committee Chair Joerger relinquished the gavel to Outreach and Planning Committee Chair Tharp.

Outreach and Planning Committee

Discussion Items

35. **Consent Item(s) Moved for Discussion** – None
36. **Legislative Debriefing**

Ms. Colleen Thayer, Manager, Community and Legislative Affairs Department, provided an update on the 2010 Legislative Session that ended on April 30. She discussed legislation that passed related to water and natural resources, along with other legislation that impacts the District. She reviewed the three significant bills affecting the District that were passed.

House Bill 431 dissolves the Peace Creek Drainage District and transfers any assets and/or liabilities to the District. Mr. Senft said this is a milestone that shows the respect the District has earned from the property owners of the drainage district. Ms. Thayer noted there were no negative comments and it passed unanimously through all committees.

House Bill 435 is the Marketable Record Title Act (MRTA) which creates an exception to applicability for MRTA for any right, title or interest held by any water management district, the board of trustees of the internal improvement trust fund or the federal government. The exception protects the governments' investment in conservation lands from wild deeds or other false claims of ownership being inadvertently lost due to MRTA.

Senate Bill 550 is the water environmental legislation of the year. The following aspects relate to this District by rewriting Chapter 373, Part VII, and adding conservation projects for eligibility to the list of projects that may receive state and water management district funding, and directs the districts to give added weight to local governments that have the high water recharge tax program if and when the alternative water supply funding trust fund is refunded and becomes available. Relative to funding, the legislation expands the scope of the water pollution control finance program to include drinking water projects and is tied to the State Board of Administration (SBA) which starts the discussion for another potential program for utilities to use for alternative water supply funding and authorizes the SBA to invest in these types of water projects. Relative to reclaimed water, the legislation adds wastewater and water reuse utilities as participants in regional water supply planning in an effort to incorporate reclaimed water in the planning process. The legislation reverses the permit delegation passed last year but only as it relates to water use permits; therefore, governing boards may still choose to delegate in part or full water use permits but is no longer required. Environmental resource permits remain delegated. It continues to prohibit board members from individually intervening in a permit application but the Legislature added a sunset provision to this for one year. Relative to consumptive use permits, compliance reporting for 20-year permit holders is moved from a five-year review to a 10-year review. The state continues to deal with how to implement the numeric nutrient criteria from the U. S. Environmental Protection Agency (EPA) and potential consequences. The Legislature affirmed in this bill that EPA's establishment of the

numeric nutrient criteria fails to take into account site specific factors that will result in criteria that lacks scientific support and will cause unintended environmental impacts and economic consequences. The bill provides legislative findings regarding surface water quality in the state and the efforts to address numeric nutrient criteria through the current Total Maximum Daily Loads (TMDLs) program. (Track 12 – 00:00/07:30)

Ms. Thayer briefly reviewed other bills that passed and did not pass for this legislative session. She provided an overview of the 2010-2011 State Budget noting that the Water Management Land Trust Fund Statewide received \$18,300,000, Florida Forever Statewide received \$15,000,000 (District share is \$1,125,000), Everglades Restoration received \$50,000,000 (\$10,000,000 cash and \$40,000,000 contingent on the Florida Medicaid Assistance Program reimbursement). (Track 12 – 07:30/16:55)

Mr. Gramling said one of next year's priorities should be to address the language in Chapter 373 to make sure the District has authority to set pump well depths. Ms. Closshey said this is significant for the entire District's data collection and should be expanded to include pump depth as well as pump equipment. (Track 12 – 16:55/18:41)

This item was presented for the Committee's information, and no action was required.

37. **FY2010 Public Advertising Campaign Results**

Mr. Michael Molligan, Director, Communications Department, reported the results of the FY2010 public advertising campaign, which sought to encourage the public to "skip a week" of watering or irrigation in the winter months. Public service advertising is one initiative the District uses to promote water resources awareness and conservation practices. The FY2010 campaign, which ran mid-November 2009 to mid-February 2010, included primarily television and radio. All advertising directed residents to the District's web site for additional water conservation tips. (Track 13 – 00:00/08:40)

This item was presented for the Committee's information, and no action was required.

Submit & File Report – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

38. **Comprehensive Plan Amendment and Related Reviews**

39. **Development of Regional Impact Reviews**

40. **Speakers Bureau**

41. **Significant Activities**

(Track 13 – 08:40/08:55)

Outreach & Planning Committee Chair Tharp relinquished the gavel to Secretary/Assistant Treasurer Gramling.

Finance and Administration Committee

Discussion Items

42. **Consent Item(s) Moved for Discussion** – None

Submit & File Report

The following items were submitted for the Committee's information, and no action was required.

43. **April 2010 Interim Report on Workforce and Vendor Diversity**
 - Mr. Schiller said the District has increased to 34 percent in the first six months for competitive procurements with minority and small business which is an increase of over seven percent from the prior year.
44. **Fiscal Year 2011 Budget Update**
 - Mr. Schiller noted that more accurate data is being collected from the counties as to what is happening in terms of the decline in property values. The estimated decrease is now 11 percent which will be reflected in the budgets and the reduction is closer to \$20.8 million. The official estimates will be available in June and the reported values will be used for the Boards to set millage rates. The only pending state funds are the \$1,125,000 for Florida Forever funding. Staff will submit the proposed budget for fiscal year 2011 in June.
 - Mr. Schiller said the existing year's revenue collection is now at approximately 94 percent. The State Board of Administration continues to pay down on Fund B and the District received another \$149,000. The District continues to meet its rate of return on investments and is in a solid position.

Routine Reports

The following items were provided for the Committee's information, and no action was required.

45. **Treasurer's Report, Payment Register, and Contingency Reserves**
46. **Management Services Significant Activities**
 - Mr. Schiller noted the connection to the Hernando County sewer system for the Brooksville facilities should be completed by the end of June.
(Track 14 – 00:00/07:16)

Secretary/Assistant Treasurer Gramling relinquished the gavel to Chair Pressman.

General Counsel's Report

Discussion Items

47. **Consent Item(s) Moved for Discussion** – None

Submit & File Reports – None

Routine Reports

The following items were provided for the Committee's information, and no action was required.

48. **Litigation Report**
49. **Rulemaking Update**
(Track 15 – 00:00/00:10)

Executive Director's Report

50. **Executive Director's Report**
 - Mr. Moore announced that Ms. Kavouras is now also the District's Ombudsman. He noted that Ms. Kavouras already coordinates the correspondence response system and, in the event someone is not satisfied with the resolution of an issue, she will then become involved.

- Mr. Moore congratulated Mr. Oakley on his election as the Board's Chair. He expressed his appreciation to Chair Pressman for his leadership and efforts during the past year.
(Track 15 – 00:10/02:04)

Chair's Report

51. Chair's Report

- Chair Pressman noted that he and Mr. Oakley attended the annual Mayor's Latino luncheon held at the Museum of Science and Industry. He noted that Ms. Rovira-Forino hosted the event and did a tremendous job.
- Chair Pressman thanked Ms. Closshey and Messrs. Tharp, Oakley and Gramling for joining him and participating in the frost-freeze event work sessions.
- Chair Pressman noted the tour last week of the Tampa structures which was attended by Governing and Basin Board members. Mr. Tharp said the tour was well done and very informative, and expressed his appreciation to staff.
- Chair Pressman said the Tampa Bay Regional Planning Council met on May 10. He thanked Mr. Roy Mazur, the District's Planning Director, for presenting the draft Regional Water Supply Plan (2010) which was well received.
- Chair Pressman thanked Mr. Owen and Ms. Más in assisting him as issues have arisen, particularly during last month.

There being no further business to come before the Board, **Mr. Gramling moved, seconded by Mr. Tharp, to adjourn the meeting. Motion carried unanimously.** (Track 15 – 02:04/06:03)

The meeting was adjourned at 12:16 p.m.